

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LEEROY E. KRAUSE,

Plaintiff,

v.

VANCOUVER POLICE DEPARTMENT,
et al.,

Defendants.

CASE NO. 3:22-cv-05204-BHS-JRC

ORDER DIRECTING SERVICE OF
CIVIL RIGHTS COMPLAINT

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff is proceeding with this action *pro se* and *in forma pauperis*. See Dkt. 7 at 7. The Court, having reviewed plaintiff's amended complaint, hereby **ORDERS** as follows:

(1) Consent

The Clerk is directed to issue the Notice of Option of Consent to Chief Magistrate Judge J. Richard Creatura.

///

///

1 (2) Service by Clerk

2 The Clerk is directed to send the following to the named defendants by first class mail: a
3 copy of plaintiff's amended complaint, a copy of this Order, a copy of the Notice of Option to
4 Consent, two copies of the notice of lawsuit and request for waiver of service of summons, and a
5 waiver of service of summons. If service is by first class mail, a return envelope, postage
6 prepaid, addressed to the Clerk's Office shall also be sent.

7 (3) Response Required

8 Defendant(s) shall have **thirty (30) days** within which to return the enclosed waiver of
9 service of summons. A defendant who timely returns the signed waiver shall have **sixty (60)**
10 **days** after the date designated on the notice of lawsuit to file and serve an answer to the
11 complaint or a motion permitted under Rule 12 of the Federal Rules of Civil Procedure.

12 A defendant who fails to timely return the signed waiver will be personally served with a
13 summons and complaint, and may be required to pay the full costs of such service, pursuant to
14 Rule 4(d)(2) of the Federal Rules of Civil Procedure. A defendant who has been personally
15 served shall file an answer or motion permitted under Rule 12 within **thirty (30) days** after
16 service.

17 (4) Filing and Service by Parties, Generally

18 All attorneys admitted to practice before this Court are required to file documents
19 electronically via the Court's CM/ECF system. Counsel are directed to the Court's website,
20 www.wawd.uscourts.gov, for a detailed description of the requirements for filing via CM/ECF.
21 All filings must indicate in the upper right hand corner the name of the magistrate judge to whom
22 the document is directed.

1 Any document filed with the Court must be accompanied by proof that it has been served
2 upon all parties that have entered a notice of appearance in the underlying matter. Plaintiffs filing
3 electronically shall indicate the date the document is submitted for e-filing as the date of service.

4 (5) Motions, Generally

5 Any request for court action shall be set forth in a motion, properly filed and served.
6 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a
7 part of the motion itself and not in a separate document. The motion shall include in its caption
8 (immediately below the title of the motion) a designation of the date the motion is to be noted for
9 consideration upon the Court's motion calendar.

10 Stipulated and agreed motions, motions to file over-length motions or briefs, motions for
11 reconsideration, joint submissions pursuant to the option procedure established in LCR 37(a)(2),
12 motions for default, requests for the clerk to enter default judgment, and motions for the court to
13 enter default judgment where the opposing party has not appeared shall be noted for
14 consideration on the day they are filed. *See* LCR 7(d)(1). All other non-dispositive motions
15 shall be noted for consideration no earlier than the third Friday following filing and service of the
16 motion. *See* LCR 7(d)(3). All dispositive motions shall be noted for consideration no earlier
17 than the fourth Friday following filing and service of the motion. *Id.*

18 For electronic filers, all briefs and affidavits in opposition to either a dispositive or non-
19 dispositive motion shall be filed and served not later than 11:59 p.m. on the Monday
20 immediately preceding the date designated for consideration of the motion.

21 The party making the motion may electronically file and serve not later than 11:59 p.m.
22 on the date designated for consideration of the motion, a reply to the opposing party's briefs and
23 affidavits.

(6) Motions to Dismiss and Motions for Summary Judgment

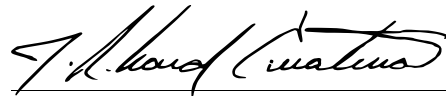
Parties filing motions to dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure and motions for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure should acquaint themselves with those rules. As noted above, these motions shall be noted for consideration no earlier than the fourth Friday following filing and service of the motion.

(7) Direct Communications with District Judge or Magistrate Judge

No direct communication is to take place with the District Judge or Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk.

(8) The Clerk is directed to send copies of this Order and the Notice of Option to Consent to plaintiff. The Clerk is further directed to send a copy of this Order and a courtesy copy of plaintiff's amended complaint to **Vancouver City Attorney's Office**, by first-class mail.

Dated this 16th day of December, 2022.



J. Richard Creatura
Chief United States Magistrate Judge